

Message Text

UNCLASSIFIED

PAGE 01 GENEVA 03308 01 OF 02 021706Z
ACTION L-03

INFO OCT-01 IO-14 ISO-00 CIAE-00 COME-00 EB-08 INR-10
LAB-04 NSAE-00 SIL-01 JUSE-00 SS-15 NSC-05 SP-02
HA-05 H-02 AF-10 ARA-14 EA-12 EUR-12 NEA-10 /128 W
-----090180 021900Z /42

R 021648Z MAR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC 6682
INFO USMISSION USUN NEW YORK

UNCLAS SECTION 01 OF 02 GENEVA 03308

E.O.11652:N/A
TAGS: ILO
SUBJECT: WFTU COMPLAINT WITH ILO CONCERNING ALLEGED
VIOLATION OF FREEDOM OF ASSOCIATION IN PUERTO RICO

REF: (A) STATE 032753 (B) GENEVA 01672

1. ON MARCH 2, THE ILO GOVERNING BODY AGREED TO REFER
THE REFERENCE WFTU COMPLAINT AGAINST THE UNITED STATES
TO ECOSOC. THE DECISION WAS BASED ON A RECOMMENDATION
OF THE COMMITTEE ON FREEDOM OF ASSOCIATION. THE
RECOMMENDATION WAS APPROVED WITHOUT DISCUSSION.

2. THE TEXT FROM PARA 20-25 OF THE 177TH REPORT OF THE
COMMITTEE (CASE NO. 898) IS AS FOLLOWS: QUOTE

COMPLAINT PRESENTED BY THE WORLD FEDERATION OF TRADE
UNIONS AGAINST THE GOVERNMENT OF THE UNITED STATES/
PUERTO RICO:

20. A COMPLAINT CONTAINING ALLEGATIONS OF INFRINGEMENTS
OF TRADE UNION RIGHTS IN PUERTO RICO WAS ADDRESSED TO
THE ILO BY THE WORLD FEDERATION OF TRADE UNIONS IN A
COMMUNICATION DATED 18 NOVEMBER 1977.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 03308 01 OF 02 021706Z

21. ON 5 NOVEMBER 1977 THE PERIOD OF NOTICE GIVEN BY
THE UNITED STATES ON 6 NOVEMBER 1975 OF ITS INTENTION TO
WITHDRAW FROM MEMBERSHIP OF THE INTERNATIONAL LABOUR
ORGANISATION EXPIRED. THE UNITED STATES REMAINED A
MEMBER OF THE UNITED NATIONS.

22. DURING ITS PERIOD OF MEMBERSHIP OF THE ILO THE UNITED STATES HAD NOT RATIFIED THE RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947 (NO. 84), OR THE FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948 (NO. 87), OR THE RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949 (NO. 98).

23. THE COMPLAINANT ORGANISATION ALLEGED THAT, ON 11 OCTOBER 1977 THE AMERICAN POLICE HAD ARRESTED TWO ACTIVE MILITANT TRADE UNION LEADERS OF THE TMT SHIPPING COMPANY. ONE OF THESE, JUAN RAFAEL CABALLERO SANTANA WAS FOUND DEAD ON 18 NOVEMBER 1977, HIS BODY HAVING BEEN SEVERELY TORTURED. THE WFTU REQUESTED AN IMMEDIATE INVESTIGATION INTO WHAT IT DESCRIBED AS A GRAVE VIOLATION OF HUMAN AND TRADE UNION RIGHTS.

24. ACCORDING TO THE PROCEDURE FOR THE EXAMINATION OF COMPLAINTS OF ALLEGED INFRINGEMENTS OF TRADE UNION RIGHTS AGREED UPON BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL LABOUR ORGANISATION, (FOOTNOTE ONE) BEFORE THE GOVERNING BODY OF THE ILO REFERS TO THE FACT-FINDING AND CONCILIATION COMMISSION ON FREEDOM OF ASSOCIATION AN ALLEGATION WHICH IT HAS RECEIVED AGAINST A MEMBER OF THE UNITED NATIONS WHICH IS NOT A MEMBER OF THE ILO, SUCH ALLEGATION SHOULD BE REFERRED TO THE ECONOMIC AND UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 03308 01 OF 02 021706Z

SOCIAL COUNCIL FOR ITS CONSIDERATION. (FOOTNOTE TWO) IN RESOLUTION 277 (X) APPROVING THE ARRANGEMENTS THE ILO WAS INVITED TO REFER, IN THE FIRST INSTANCE, TO THE ECONOMIC AND SOCIAL COUNCIL ANY ALLEGATIONS REGARDING INFRINGEMENTS OF TRADE UNION RIGHTS AGAINST A MEMBER OF THE UNITED NATIONS WHICH IS NOT A MEMBER OF THE ILO. IF THE GOVERNING BODY HAS BEFORE IT SUCH ALLEGATIONS REGARDING INFRINGEMENTS OF TRADE UNION RIGHTS, IT WILL, BEFORE REFERRING THEM TO THE COMMISSION, REFER THEM TO THE ECONOMIC AND SOCIAL COUNCIL FOR CONSIDERATION. THE PROCEDURE PROVIDES THAT THE SECRETARY-GENERAL OF THE UNITED NATIONS WILL SEEK THE CONSENT OF THE GOVERNMENT CONCERNED BEFORE ANY CONSIDERATION OF THE ALLEGATION BY THE ECONOMIC AND SOCIAL COUNCIL; IF SUCH CONSENT IS NOT FORTHCOMING, THE ECONOMIC AND SOCIAL COUNCIL WILL GIVE CONSIDERATION TO SUCH REFUSAL WITH A VIEW TO TAKING ANY APPROPRIATE ALTERNATIVE ACTION DESIGNED TO SAFEGUARD THE RIGHTS RELATING TO FREEDOM OF ASSOCIATION INVOLVED IN THE CASE. (FOOTNOTE THREE)

25. IN THESE CIRCUMSTANCES, HAVING REGARD TO THE SITUATION SET FORTH IN THE PRECEDING PARAGRAPH, THE

COMMITTEE RECOMMENDS THE GOVERNING BODY:

(A) TO REFER TO THE ECONOMIC AND SOCIAL COUNCIL FOR CONSIDERATION, IN ACCORDANCE WITH RESOLUTION 277 (X) OF 17 FEBRUARY 1950, THE COMPLAINT PRESENTED BY THE WORLD FEDERATION OF TRADE UNIONS AGAINST THE GOVERNMENT OF THE UNITED STATES WHICH IS NO LONGER A MEMBER OF THE ILO;

(B) TO NOTE THAT, IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION NO. 277 (X) OF 17 FEBRUARY

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 GENEVA 03308 02 OF 02 021708Z

ACTION L-03

INFO OCT-01 IO-14 ISO-00 CIAE-00 COME-00 EB-08 INR-10

LAB-04 NSAE-00 SIL-01 JUSE-00 SS-15 NSC-05 SP-02

HA-05 AF-10 ARA-14 EA-12 EUR-12 NEA-10 H-02 /128 W

-----090202 021902Z /42

R 021648Z MAR 78

FM USMISSION GENEVA

TO SECSTATE WASHDC 6683

INFO USMISSION USUN NEW YORK

UNCLAS SECTION 02 OF 02 GENEVA 03308

1950, IT IS FOR THE ECONOMIC AND SOCIAL COUNCIL TO DECIDE WHAT FURTHER ACTION IT PROPOSES TO TAKE IN THE MATTER BY SEEKING THE CONSENT OF THE GOVERNMENT OF THE UNITED STATES TO THE CASE BEING REFERRED TO THE FACT-FINDING AND CONCILIATION COMMISSION ON FREEDOM OF ASSOCIATION OR BEING DEALT WITH IN ANY OTHER MANNER.

FOOTNOTE ONE: THIS PROCEDURE IS SET FORTH IN THE LETTER OF 19 JANUARY 1950 FROM THE DIRECTOR-GENERAL OF THE ILO TO THE SECRETARY-GENERAL OF THE UNITED NATIONS STATING THE PROPOSED TERMS OF REFERENCE OF THE FACT-FINDING AND CONCILIATION COMMISSION, WHICH WERE SUBSEQUENTLY APPROVED BY THE ECONOMIC AND SOCIAL COUNCIL WHEN IT ADOPTED RESOLUTION 277 (X) CONCERNING TRADE UNION RIGHTS (FREEDOM OF ASSOCIATION) ON 17 FEBRUARY 1950 IN THE COURSE OF ITS TENTH SESSION.

FOOTNOTE TWO: SEE FOURTH REPORT OF THE INTERNATIONAL LABOUR ORGANISATION TO THE UNITED NATIONS (GENEVA, ILO, 1950), PP. 324-326.

FOOTNOTE THREE: SEE THE COMMITTEE'S FIRST REPORT,
PARA. 20. UNQUOTE SORENSON

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, ALLEGATIONS, LABOR UNIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA03308
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780096-0242
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197803116/aaaadufk.tel
Line Count: 172
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: dfe43dba-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 32753, 78 GENEVA 1672
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 16 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3144577
Secure: OPEN
Status: NATIVE
Subject: WFTU COMPLAINT WITH ILO CONCERNING ALLEGED VIOLATION OF FREEDOM OF ASSOCIATION IN PUERTO RICO
TAGS: ELAB, PORG, RQ, US, ILO
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/dfe43dba-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014